

**ADOPTED REGULATION OF THE
PRIVATE INVESTIGATOR'S LICENSING BOARD**

LCB File No. R067-12

Effective October 23, 2013

EXPLANATION – Matter in *italics* is new; matter in brackets ~~is~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 648.030.

A REGULATION relating to private investigators; revising various provisions pertaining to the certification of licensees or employees of licensees as firearms instructors and the maintenance of such certification; revising provisions regarding courses of training in carrying, handling and using firearms safely; increasing the fee assessed for the certification and qualification of a person by a certified firearms instructor; and providing other matters properly relating thereto.

Section 1. NAC 648.345 is hereby amended to read as follows:

648.345 1. A licensee or an employee of a licensee ~~{for whom a registration fee is paid pursuant to NAC 648.340}~~ may not carry any firearm while performing the duties for the type of business for which he or she is licensed or employed unless the licensee or employee:

- (a) Is certified by the Board as a firearms instructor pursuant to subsection 2; *or*
- (b) Has successfully completed and received certification from a course of training approved by the Board in carrying, handling and using firearms safely. ~~{or~~
- ~~—(c) Has been actively employed as a peace officer and is certified by the Board pursuant to subsection 5.}~~

2. The Board may certify a person who meets the requirements of subsection 1 of NRS 648.110 as a firearms instructor in carrying, handling and using firearms safely if the applicant:

- (a) Is at least 21 years of age. ~~{~~

(b) Has not been convicted of a felony or any crime involving the illegal use or possession of a firearm. ~~† and †~~

(c) Submits a completed application with proof satisfactory to the Board of the applicant's qualifications and experience and pays a fee of \$100. The application must include:

(1) A detailed statement of the applicant's qualifications and experience in carrying, handling and using firearms. ~~† †~~

(2) A detailed statement of the applicant's qualifications and experience in providing instruction to other persons in carrying, handling and using firearms safely ~~† and †~~, *including, without limitation, the applicant's experience in providing instruction to peace officers, security officers or military personnel in carrying, handling and using firearms safely.*

(3) Evidence of the applicant's successful completion of at least 40 hours of training on the instruction of peace officers, ~~† or †~~ security officers *or military personnel* in carrying, handling and using firearms safely ~~† †~~, *and evidence of the applicant's certification as an instructor for peace officers, security officers or military personnel for each type of firearm for which the applicant wishes to provide such instruction.*

(d) Successfully passes a written examination for firearms instructors, which must include, without limitation, questions relating to:

(1) The applicable federal and state laws and regulations, local government ordinances and court decisions related to carrying, handling and using firearms and the use of deadly force.

(2) The requirements of this chapter and chapter 648 of NRS and any administrative requirements.

(3) The civil and criminal liability related to carrying, handling and using firearms and the use of deadly force.

(4) The process for conducting and the contents of the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346.

(e) Successfully passes a live fire skills test for firearms instructors by:

(1) Demonstrating each of the skills required by the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346.

(2) Qualifying with the course of fire established by the Board pursuant to NAC 648.346 with a minimum score of 275 out of 300 on a full-size B27-type target for each type of firearm for which the applicant wishes to provide such instruction.

(3) Demonstrating knowledge of the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346 by successfully teaching any section of the course with not more than 15 minutes of notice from an instructor designated by the Board.

↪ At any time during the live fire skills test, an instructor designated by the Board may prohibit an applicant from proceeding because the applicant has demonstrated a skill deficiency or has committed a safety violation.

3. To renew the applicant's certification as a firearms instructor, the applicant must:

(a) Submit an application for renewal to the Board on or before July 1 next following the date the certificate was issued or last renewed;

(b) Submit proof satisfactory to the Board of the completion of at least ~~12~~ 8 hours of education or training on *the* subjects described in NAC 648.346 within the previous ~~12~~ 12 months; and

(c) Pay a fee to the Board of \$100.

4. As evidence of a person's certification as a firearms instructor or renewal thereof, the Board will issue to the person a *certification* card which ~~is sequentially numbered and of a size to be carried in a wallet. The card will contain the date of its issuance and expiration.~~

~~5. The Board may certify a licensee or employee who has been employed as a peace officer if he or she submits a completed application to the Board that is accompanied by:~~

~~(a) Proof satisfactory to the Board that the applicant was employed as a peace officer, as defined in NRS 169.125, for at least 10 years, and was employed as a peace officer during the 5 years immediately preceding the date of the application;~~

~~(b) A statement of the training and experience the applicant obtained in the use of firearms while employed as a peace officer;~~

~~(c) Proof satisfactory to the Board of the applicant's qualification through a course of fire within the 3 months immediately preceding the date of the application; and~~

~~(d) An application fee of \$10.~~

~~➔ In addition to the application fee, the applicant must pay a fee of \$10 for a card issued pursuant to NAC 648.350. *he or she shall carry on his or her person.*~~

Sec. 2. NAC 648.346 is hereby amended to read as follows:

648.346 1. ~~{The}~~ *Except as otherwise provided in subsection 5, the* minimum curriculum for a course of training in carrying, handling and using firearms safely that is taught for the purposes of NRS 648.030 must include instruction designed to teach:

(a) The legal and civil responsibilities of carrying, handling and using a firearm, including:

(1) The applicable federal and state laws and regulations and local governmental ordinances related to carrying, handling and using firearms and the use of deadly force.

(2) The civil and criminal liability related to carrying, handling and using firearms and the use of deadly force.

(3) The consequences and risks related to carrying, handling and using firearms and the use of deadly force.

(4) The elements of self-defense, using a weapon in self-defense and the use of force.

(5) Recent court decisions related to carrying, handling and using firearms and the use of deadly force.

(b) The terminology related to and the maintenance of different types of firearms and their related systems, including:

(1) The operational and mechanical systems and parts of a firearm and the related terminology.

(2) The types of ammunition and their ballistic properties and effective uses.

(3) The inspection, storage and general care of ammunition.

(4) The inspection, care, cleaning and maintenance of a firearm.

(c) Carrying, handling and using a firearm safely, including:

(1) The safe handling, use and storage of firearms when off duty.

(2) The safe transportation of a firearm.

(3) The appropriate methods of safely carrying a firearm while on duty.

(4) Safety and accessory equipment available to carry, handle and use a firearm safely.

(d) The fundamentals of safe handling and shooting of firearms, including:

(1) The fundamentals of operating a handgun.

(2) The general differences among handguns.

(3) The proper procedures and devices for loading, unloading and reloading a firearm.

(4) The fundamentals of shooting, such as the use of sights, sight picture and alignment, control of the trigger, breathing and firing in a single or double action.

(5) Proper techniques for gripping a handgun and shooting positions.

(6) Procedures for drawing and reholstering a firearm and techniques for retaining a firearm.

(7) The ~~correct~~ *various* positions for shooting when standing ~~+~~ *or* kneeling . ~~+~~ *sitting or prone.*

(8) The use of barricades or other forms of cover and alternate shooting positions.

(e) The preparation for shooting at a firing range, including:

(1) The location of the range.

(2) The equipment to be used at the range.

(3) The course of fire.

(4) Targets to be used.

(5) Commands at the range.

(6) Safety and etiquette at the range.

(f) Exercises to be used at a firing range and the practical use of a firearm at the firing range, including:

(1) The review of safety procedures and etiquette at the firing range and a safety inspection of all firearms, holsters and accessories.

(2) Practicing drawing and holstering.

(3) Dry firing, the manipulation of the trigger and follow through.

(4) The procedures for loading, unloading and reloading.

(5) Exercises for firing with live ammunition to practice proper shooting techniques while firing at targets with a firearm of the same type and caliber as the firearm the person will use while on duty.

(6) Qualifying with a course of fire established by the ~~instructor,~~ **Board**, using a firearm of the same type and caliber as the firearm the person will use while on duty. The course of fire must require firing at least 30 rounds of live ammunition with a passing score of 75 percent, and must include ~~shooting 10~~ **drawing and:**

(I) Shooting 5 rounds of ammunition from a distance of 3 yards in ~~30~~ **15** seconds ~~;~~ **10** *using only the dominant hand;*

(II) Transferring the firearm to the support hand and shooting 5 rounds of ammunition from a distance of 3 yards in 15 seconds using only the support hand;

(III) Shooting 5 rounds of ammunition *while standing, reloading the firearm and shooting 5 rounds of ammunition while kneeling*, from a distance of 7 yards in 30 seconds ; and ~~10~~

(IV) Shooting 5 rounds of ammunition *while standing, reloading the firearm and shooting 5 rounds of ammunition while kneeling*, from a distance of 15 yards in 30 seconds ,
↪ on a full-size B27-type target. *The scoring areas on the target are the “X” in the center of the target, which receives a score of 10, and the 10, 9, 8 and 7 rings. Any hits outside of such areas do not receive a score.*

2. ~~The~~ **Except as otherwise provided in subsection 5, the** course must consist of:

(a) Eight hours of training and instruction on carrying, handling and using a firearm safely, including the completion of a written examination **designated by the Board**, with a passing score

of 75 percent. ~~{The examination must consist of questions with answers that are true or false, multiple choice or fill in the blank.}~~

(b) ~~{Five}~~ ***A minimum of 5*** hours of instruction and training on a firing range during which each person must qualify using a firearm of the same type and caliber as the firearm the person will use while on duty.

3. The course must be completed within a period of 14 days. Each day of the course must consist of a number of contact hours of training. Not more than 9 contact hours of training may occur on any day.

4. If a person fails to complete the written examination with a passing score of 75 percent as specified in paragraph (a) of subsection 2 or to qualify using a firearm of the same type and caliber as the firearm the person will use while on duty as specified in subparagraph (6) of paragraph (f) of subsection 1:

(a) Except as otherwise provided in paragraph (b), the person must repeat the course in full before retaking the written examination and firearm qualification.

(b) At the discretion of the instructor, for good cause shown, the person may retake the written examination and the firearm qualification without repeating the course in full if the person completes such remedial training as the instructor determines is appropriate, taking into account the person's performance on the previous written examination and firearm qualification. The instructor may charge an additional fee for the remedial training.

5. ***If a firearms instructor is unable to provide a course which meets the requirements of this section because he or she provides security on a military installation and has no other reasonable means to provide the training and qualification required for such a course, he or she may submit a written request to the Executive Director asking for an exemption from***

those requirements and permission to offer a course with substitute training and qualification for persons employed on that military installation. When requesting an exemption pursuant to this subsection, the firearms instructor must provide:

(a) Proof of his or her inability to provide a course which meets the requirements of this section and to make reasonable accommodations to provide the training and qualification required for such a course; and

(b) A copy of the proposed substitute training and qualification and a signed affirmation, on a form provided by the Board, acknowledging that any person who successfully completes the course is required to sign a form pursuant to subsection 6.

↪ The Executive Director may, in his or her discretion and on a case-by-case basis, grant an exemption pursuant to this subsection after taking into consideration the totality of the circumstances.

6. Before a person who successfully completes a course pursuant to subsection 5 may carry a firearm on the military installation on which he or she is employed, the person must sign an affirmation, on a form provided by the Board, acknowledging that:

(a) He or she is only authorized to carry a firearm of the same type and caliber that he or she is qualified to carry and only on the military installation where he or she is employed; and

(b) The certification card issued to the person pursuant to NAC 648.350 will be confiscated upon termination of his or her employment on the military installation.

7. As used in this section, “contact hour” means 50 minutes of instruction in a period of 60 minutes.

Sec. 3. NAC 648.348 is hereby amended to read as follows:

648.348 1. A person who is certified as a firearms instructor by the Board shall not conduct a course of training in carrying, handling and using firearms safely for the purposes of NRS 648.030 unless the course follows the curriculum established in NAC 648.346.

2. A person who fails to comply with subsection 1 is subject to ~~disciplinary~~ :

(a) The issuance of a letter by the Executive Director that requires the person to cease and desist conducting the course of training;

(b) Disciplinary action ~~+~~, which may include, without limitation, probation, suspension or revocation of his or her certification; or

(c) A fine for the cost of any investigation into the person's failure to comply with that subsection.

3. Except as otherwise provided in this subsection, all courses of training must take place within this State. The Executive Director may, upon receipt of a written request by a firearms instructor, grant an exemption and authorize the instructor to conduct a course of training outside this State. As a condition of the Executive Director granting such an exemption and in order to ensure that any such course complies with the laws of this State, the instructor shall agree to reimburse the Board for any fees and costs relating to the auditing of the course, including, without limitation, investigative fees and traveling and lodging expenses for any investigator involved in auditing the course. Any course of training that occurs outside this State cannot be combined or taught simultaneously with any other course of training.

Sec. 4. NAC 648.350 is hereby amended to read as follows:

648.350 1. To certify a person's successful completion of the course of training in carrying, handling and using firearms safely, and his or her successful qualification with a firearm, a firearms instructor shall ~~issue to the person a card furnished by the Board for that~~

~~purpose. The card will be sequentially numbered and of a size to be carried in a wallet. The firearms instructor shall state on:~~

~~—(a) The front of the card its date of issuance and expiration.~~

~~—(b) The back of the card the date of the person's qualification and the instructor's verification of that qualification.],~~ *within 5 days of the person's successful completion of the course of*

training and on a form provided by the Board, submit to the Board the person's name and registration number, the time, date and location of the course of training, and the certifications and qualifications that the person obtained.

2. After receipt of the information submitted pursuant to subsection 1, the Board will:

(a) Issue to a person who has successfully completed the course of training a plastic certification card which contains the name, photograph and registration number of the person, the expiration date of the person's certification and the designated qualification months established for that person pursuant to subsection 3; and

(b) Maintain an electronic record for each person who has been issued a certification card pursuant to paragraph (a) that indicates whether the person's card is valid and lists each type and caliber of firearm that the person is certified to carry, handle and use.

3. A person who has been certified pursuant to this section and who wishes to maintain his or her certification must successfully qualify for certification every 6 months, on any day during his or her designated qualification months. The designated qualification months are determined by the month of the person's initial qualification and will not change. If, after a person's initial qualification, the person successfully qualifies for certification or for a different type or caliber of firearm during a month that is not one of his or her designated qualification months, the person must successfully qualify again during his or her next

designated qualification month, even if the period between such qualifications is less than 6 months. The qualification cycle will be as follows:

<u><i>Initial course month</i></u>	<u><i>Designated qualification months</i></u>
<i>January or July</i>	<i>January and July</i>
<i>February or August</i>	<i>February and August</i>
<i>March or September</i>	<i>March and September</i>
<i>April or October</i>	<i>April and October</i>
<i>May or November</i>	<i>May and November</i>
<i>June or December</i>	<i>June and December</i>

4. The certification card *issued pursuant to subsection 2* is valid for 5 years if the ~~licensee or employee~~ *person* successfully qualifies every ~~{6}~~ *year during each of his or her designated qualification months* on a course of fire that is given by a certified firearms instructor and is approved by the Board. ~~{The licensee or employee must fire at least 30 rounds of ammunition with a score of at least 75 percent.}~~ If the ~~licensee or employee~~ *person* fails to qualify ~~{every 6}~~ *during any of his or her designated qualification months*, the card becomes invalid and the ~~licensee or employee~~ *person* shall not use a firearm in the course of employment until he or she successfully qualifies.

~~{3. If}~~

5. *Except as otherwise provided in this subsection, if a* ~~licensee or employee~~ *person* fails to qualify for at least 2 successive ~~{6-month periods}~~ *designated qualification months* or his or her certification card expires, he or she ~~{may be recertified by presenting proof satisfactory to the~~

~~Board of completion of at least 4 hours of additional training in the legal and civil responsibilities of carrying, handling and using a firearm as set forth in paragraph (a) of subsection 1 of NAC 648.346.~~

~~—4.— If a licensee or employee is also a firearms instructor who has been certified by the Board, the licensee or employee must qualify annually and present proof of qualification to the Board at the time of recertification.~~

~~—5.— *must repeat the course of training. If a person fails to qualify during at least 2 successive designated qualification months or his or her certification card expires because he or she is deployed on full-time active duty in the Armed Forces of the United States, the person may request an exemption from repeating the course of training by submitting a written request along with official documentation of such deployment to the Executive Director. The Executive Director may, in his or her discretion and on a case-by-case basis, grant an exemption pursuant to this subsection after taking into consideration the totality of the circumstances.*~~

6. To cover the Board's administrative costs related to the certification and qualification of a person by a certified firearms instructor, the instructor shall remit to the Board ~~[\$1]~~ \$25 for each certification card issued by the ~~[instructor]~~ Board pursuant to this section ~~[-~~

~~—6.— *and \$5 for each qualification of a person pursuant to subsection 3. If a person's certification card is lost or stolen, the person must remit to the Board \$25 to obtain a replacement card.*~~

7. The person to whom the certification card is issued shall:

(a) Have it in his or her possession while carrying a firearm in the performance of his or her duties; ~~[and]~~

(b) Produce it upon the request of any peace officer or a representative of the Board ~~†~~; *and*

(c) Not carry or possess a firearm in the performance of his or her duties unless the certification card is valid.

Sec. 5. NAC 648.355 is hereby amended to read as follows:

648.355 1. Each certified firearms instructor shall:

(a) ~~†Keep†~~ *On forms provided by the Board, keep* written records of the training and qualifications of every person who takes the firearms instructor's course;

(b) Make the records available for inspection by the Board or its authorized agent;

(c) Maintain copies of the records for 7 years after the date of the course;

(d) Upon request, provide a copy of the records to the Board; ~~†and~~

~~(d)†~~ *(e)* Upon request, provide information concerning the location of the firearms instructor's classroom and firing range, the dates and times of the instruction and the maximum number of persons enrolled per class ~~†~~;

(f) Maintain all applicable state, county and local business licenses and permits as required by any law, regulation or local government ordinance of this State; and

(g) Maintain a policy of workers' compensation insurance as required by law.

2. To ensure compliance with applicable statutes and regulations, a firearms instructor shall provide to an employee, agent or representative of the Board, upon request, during normal business hours:

(a) Access to the firearms instructor's classroom and the firing range during his or her instruction;

(b) Access to the materials he or she uses to teach the course;

(c) A list of the names of *all* persons enrolled in the course; ~~†and†~~

(d) A *list of the names of all instructors, safety officers and support personnel assisting with the course; and*

(e) A copy of ~~the~~ *each person's* written examination, *which indicates* the results of the examination , and ~~the qualification scores of the persons~~ *a completed skill sheet for each person* enrolled in the class.

PRIVATE INVESTIGATOR'S LICENSING BOARD
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R067-12

The following is an informational statement for adoption to the Nevada Administrative Code (NAC) 648, for the Board to issue registrations for all employees who work for licensees in the industries regulated pursuant to NRS 648. The following proposed language is required to carry out the functions of the statute.

1. A clear and concise explanation of the need for the adopted regulation.

LCB File No. R067-12 Regulation changes relating to private investigators; revising various provisions pertaining to the certification of licensees or employees of licensees as firearms instructors and the maintenance of such certification; revising provisions regarding courses of training in carrying, handling and using firearms safely; increasing the fee assessed for the certification and qualification of a person by a certified firearms instructor; and providing other matters properly relating thereto.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

LCB File No. R067-12 was noticed for public workshop on April 17, 2012, at the Office of the Attorney General, Mock Courtroom, 100 North Carson Street, Carson City, Nevada and video-conferenced to the Attorney General's Office, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada.

Copies of the proposed regulations were also made available at the Private Investigator's Licensing Board for inspection by the public during business hours.

A public hearing was held October 31, 2012 at the Grant Sawyer State Office Building, 555 E. Washington Avenue Suite 4500, Las Vegas, Nevada and video-conferenced to The Office of the Attorney General, 100 N. Carson Street, Mock Courtroom, Carson City, Nevada, in accordance with Nevada Revised Statue (NRS) 233B.

The notice of hearing was posted at the following locations:

Private Investigator's Licensing Board, Carson City
Private Investigator's Licensing Board, Las Vegas
Office of the Attorney General, Carson City
Legislature Building, Carson City Office of the Attorney General
Nevada State Library, Carson City
Washoe County Library, Reno Nevada
Clark County Library, Las Vegas, Nevada
Grant Sawyer State Office Building, Las Vegas, Nevada

Copies of the proposed amendment were sent to those persons who are licensed pursuant to NRS 648 and would be affected. Copies were also sent to all Nevada County Public Libraries for compliance with NRS 233B.066.

Seventeen individuals signed in for the work shop on April 17, 2012. All seventeen attendees provided comments and suggestions to clarify some of the verbiage. All seventeen expressed support of the proposed regulation. There was no opposition to the proposed regulation changes. The Board considered and incorporated some of the comments from the work shop into the proposed regulation.

On October 31, 2013, the Board reviewed the revised language received from the Legislative Counsel Bureau for R067-12. There was neither public comment nor opposition from the public in Carson City or Las Vegas. The Board voted unanimously to continue the review of the proposed changes to the December meeting as one board member was not present. The Board felt that a unanimous vote from all board members was needed to proceed.

Nine individuals signed in for the Public hearing on December 5, 2012, however none of them stayed for the review of the regulation changes. Therefore, there was neither public comment nor opposition from the public in Carson City or Las Vegas to the proposed changes. The Board considered each section and sub-section, asking for public comment of each section of the regulation. The Board accepted the revised language from the Legislative Counsel Bureau as written. The Board voted unanimously to adopt the amendments to R067-12.

Interested persons may obtain a copy of the public response and industry response by contacting the Private Investigators Licensing Board to request a copy of the minutes or by visiting our website at www.nevadapiboard.org.

- 3. The number of persons who:**
 - (a) Attended each hearing:** April 17, 2012 (17), October 31, 2012 (2), December 5, 2012 (5)
 - (b) Testified at each hearing:** April 17, 2012 (17), October 31, 2012 (0), December 5, 2012 (0)
 - (c) Submitted written comments:** No written comments were submitted.

- 4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) Name;**
 - (b) Telephone number;**
 - (c) Business address;**
 - (d) Business telephone number;**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented.**

Please see the attached Exhibit A.

- 5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner that they were solicited from the public.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

N/A

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**
 - (a) Estimated economic effect on the businesses which they are to regulate.**

It is estimated that the amendments will have no financial impact on the businesses regulated by the Board.

- (b) Estimated economic effect on the public which they are to regulate.**

It is estimated that the amendments to NAC 648.345 will have no financial impact on the public.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

It is estimated that the amendments to NAC 648.345 will have a small financial impact on the Private Investigator's Licensing Board. This will be due to the fact that firearms instructors, for the Board, will be conducting testing of the applicants both through written exams and live fire skill tests. It has been determined that quarterly testing will be scheduled requiring the instructors to be out of the office only 4 days out of the year. This can be accomplished with only the cost of the instructor's salaries for those 4 days and will not pose undue hardship on the agency. The Private Investigator's Licensing Board is 100% self-funded and this cost will have no impact on the executive budget.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

These amendments do not overlap or duplicate any other regulation of a state or government agency.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

N/A